

**PIN:**  
**07-04-204-012**

**ADDRESS:**  
**3103 ODYSSEY AVENUE**  
**NAPERVILLE, IL 60563**

**PREPARED BY:**  
**CITY OF NAPERVILLE**  
**LEGAL DEPARTMENT**  
**630/420-4170**

**RETURN TO:**  
**CITY OF NAPERVILLE**  
**CITY CLERK'S OFFICE**  
**400 SOUTH EAGLE STREET**  
**NAPERVILLE, IL 60540**

**PZC Case #18-1-038**

**ORDINANCE NO. 18 - \_\_\_\_**

**AN ORDINANCE GRANTING A VARIANCE FROM  
SECTION 6-9-3 (SCHEDULE OF OFF STREET PARKING REQUIREMENTS)  
OF TITLE 6 (ZONING REGULATIONS) OF THE NAPERVILLE MUNICIPAL CODE  
FOR THE PROPERTY LOCATED AT  
3103 ODYSSEY AVENUE (WHIRLYBALL)**

**WHEREAS**, Christian Baldwin with ILNAP WB, LLC ("Petitioner") has requested approval of a variance from Section 6-9-3 (Schedule of Off Street Parking Requirements) of the Naperville Municipal Code to reduce the number of required parking spaces on the property commonly known as 3103 Odyssey Avenue, Naperville IL, which is legally described in Exhibit A, and depicted on Exhibit B ("Subject Property"); and

**WHEREAS**, Mario Halikias with Inter Continental Real Estate and Development is the Owner of the Subject Property; and

**WHEREAS**, the Subject Property is zoned I (Industrial District) and is currently vacant; and

**WHEREAS**, the Petitioner proposes to construct an approximately 41,000 square foot building in order to operate a fitness facility with an accessory eating establishment on the Subject Property; and

**WHEREAS**, per Section 6-9-3 (Schedule of Off-Street Parking Requirements), a fitness facility requires 4 parking spaces per each 1,000 square feet of gross floor area and an eating establishment requires 10 parking spaces per each 1,000 square feet of gross floor area; therefore, the Petitioner would be required to provide 177 parking spaces on the Subject Property; and

**WHEREAS**, the Petitioner is proposing to provide 150 parking spaces on the Subject Property, 27 parking spaces less than what is required per Code; and

**WHEREAS**, the Petitioner has provided a parking study which indicates that the 150 parking spaces provided on the Subject Property will be sufficient to accommodate the peak parking demand of between 83 and 142 vehicles; and

**WHEREAS**, on July 18, 2018 the Planning and Zoning Commission conducted a public hearing concerning PZC 18-1-038, and recommended approval of the Petitioner's request; and

**WHEREAS**, the requested variance meets the Standards for Granting a Variance as provided in **Exhibit C** attached hereto; and

**WHEREAS**, the City Council of the City of Naperville has determined that the Petitioner's request should be granted as provided herein.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NAPERVILLE, DUPAGE AND WILL COUNTIES, ILLINOIS, in exercise of its home rule powers, as follows:**

**SECTION 1:** The foregoing recitals are incorporated as though fully set forth here in this Section 1. All exhibits referenced in this Ordinance shall be deemed incorporated and made part hereof.

**SECTION 2:** A variance to Section 6-9-3 (Schedule of Off Street Parking Facilities) of the Naperville Municipal Code to reduce the number of off-street parking spaces from the

required 177 spaces to 150 spaces for the property located at 3103 Odyssey Avenue is hereby granted, subject to the following condition:

1. In the event that the current and proposed tenants' parking needs cannot be accommodated within the existing parking on the Subject Property, the Petitioner and Owner shall take measures, such as requiring tenants to alter business hours, number of employees or other business operations, or establish an overflow parking location off-site, as necessary, to meet the parking demands of the tenants, subject to review and approval by the Zoning Administrator.

**SECTION 3:** Any variance other than those approved by this Ordinance shall require approval of a separate variance.

**SECTION 4:** The variance approved by this Ordinance shall expire unless a building permit has been obtained and the construction or alteration of the structure as specified in this Ordinance has been started within two (2) years from the effective date of this Ordinance.

**SECTION 5:** This variance shall be subject to revocation for failure to comply with all other applicable provisions set forth in the Naperville Municipal Code, as amended from time to time, and all other applicable laws.

**SECTION 6:** The City Clerk is authorized and directed to record this Ordinance with the DuPage County Recorder.

**SECTION 7:** This Ordinance shall be in full force and effect upon its passage and approval.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

AYES:

NAYS:

ABSENT:

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

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Steve Chirico  
Mayor

ATTEST:

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Pam Gallahue, Ph.D.  
City Clerk